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Docket No.: 218209US3

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/050,866

Applicants: Kiyoshi YOSHIZUMI, et al.

Filing Date: January 18, 2002

For: ONBOARD FUEL CELL SYSTEM AND METHOD
OF DISCHARGING HYDROGEN-OFF GAS

Group Art Unit: 1746

Examiner: HODGE, R.

SIR:

Attached hereto for filing are the following papers:

RESPONSE

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

KIYOSHI YOSHIZUMI, ET AL.

: EXAMINER: HODGE, R.

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RESPONSE

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SIR:

According to the Office Action dated December 13, 2005, the reply filed on October 14, 2005 is not fully responsive because the Examiner does not agree that claims 11, 12 and 21 correspond to the elected species of Figure 6. In response, Applicants note that claims 11, 12 and 21 do indeed correspond to the elected species of Figure 6, as follows:

1. The outstanding Office Action indicates that the Examiner “cannot find any support in Figure 6 or in Applicants’ specification regarding the description of Figure 6 for ‘a flow rate-changing portion’ disposed in either the second or seventh flow passage.” Further to this, the Examiner has orally stated that the compressor 504 located in the seventh flow passage (i.e., the flow passage which leads to an oxidative gas-supplying port of the fuel cell and through which the supplied oxidative gas can flow) cannot be the claimed flow rate-changing portion because it does not “change the flow rate of the discharged oxygen-off gas” as is recited in claims 11 and 12. Nonetheless, Applicants respectfully point out that the

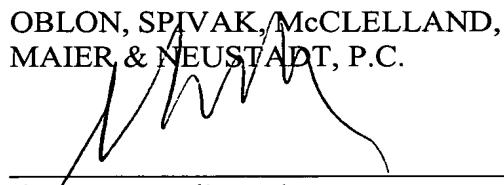
Application No. 10/050,866
Reply to Office Action of December 13, 2006

compressor 504 in the oxidative gas supply flow passage 501 in Figure 6 is indeed a “flow rate-changing portion which is disposed in the seventh flow passage.” Additionally, the compressor 504 will inherently “change the flow rate of the discharged oxygen-off gas” from the fuel cell since the fuel cell is a flow through system whose off gas flow rate is dependent upon the flow rate of the supplied gas. Applicants therefore respectfully submit that the subject matter of claims 11 and 12 clearly corresponds to the elected species.

2. The Office Action further states that “a diffusion member disposed at an end of the exhaust flow passage” as is recited in claim 21 is not disclosed in the elected species. However, the Examiner’s attention is respectfully directed to lines 19-22 on page 51 of the present specification, which describes that the diffusion plate 530 is also disposed at the end of the oxygen-off gas exhaust flow passage mentioned in the description of the first embodiment and the second embodiment (Figure 6). Claim 21 therefore also corresponds to the elected species.

Applicants therefore respectfully request an Office Action on the merits of the elected species including claims 1, 6, 8, 11-15, 21, 31, 37-39, 43 and 50.

Respectfully submitted,

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